IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4723 OF 2005
(For Leave to Appeal)
IN
CRIMINAL APPEAL NO. OF 2005

The State of Maharashtra .....Appellant.

V/s

Yusuf Hasan Mulla & Ors. ..... Respondents.

Mr. Y.M. Nakhwa, APP for the State.

Mr. C.G. Patil i/b S.S. Patwardhan for Respondent Nos. 1 to 4 & 6.

CORAM: V.M. KANADE, J.
DATE : 21st August, 2007

P.C.:

1. Heard the learned APP for the State and the learned Counsel for Respondent Nos. 1 to 4 & 6.

2. Appellant - State takes exception to the order passed by the Judicial Magistrate, First Class, Ajara whereby the accused were acquitted of the offence punishable under section 153-B and 143 of the Indian Penal code.

3. International one day Cricket match was held at Sharijah on 23/10/1991 between India and Pakistan and, in

the said match, the Indian Cricket Team was defeated by Pakistan and it is alleged that the accused alongwith others celebrated defeat of the Indian Cricket Team at the hands of Pakistani Cricket Team and they shouted slogans and burst fire crackers. The trial court has considered the evidence on record and came to the conclusion that the prosecution has not established its case against the accused.

4. I have perused the impugned judgment and order as also notes of evidence shown to me by the learned APP for the State. In my view, there is no infirmity in the order passed by the trial court. The judgment of the Supreme Court in Balwant Singh and another Vs. State of Punjab reported in **AIR 1995 SC 1985** squarely applies to the facts of the present case. The Apex Court in the said judgment has observed that raising of some slogans, a couple of times by two individuals, without anything more, did not constitute any threat to the Government of India as by law established nor could the same give rise to feelings of enmity of hatred among different communities or religious or other groups. Leave is therefore refused. Appeal is dismissed.

(V.M. KANADE, J.)